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7 KNICKERBOCKER PROPERTIES, INC. XXXVIII

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
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12 National Fair Housing Alliance, Inc.; Fair
Housing of Marin, Inc.; Fair Housing Napa
13 Valley, Inc.; Metro Fair Housing Services, Inc.;
and Fair Housing Continuum, Inc.,

14 Plaintiffs,

15 v.

16 A.G. Spanos Corporation, Inc.; A.G. Spanos
17 Development, Inc.; A.G. Spanos Land
Company, Inc.; A.G. Spanos Management, Inc.;
18 The Spanos Corporation; and

19 Knickerbocker Properties, Inc. XXXVIII; and
Highpointe Village, L.P., Individually and as
20 Representatives of a Class of All Others
Similarly Situated,

21 Defendants.
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Case No. C07-03255-SBA

**AMENDED NOTICE OF MOTION AND
MOTION OF DEFENDANT
KNICKERBOCKER PROPERTIES, INC.
XXXVIII TO DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT**

[Fed. R. Civ. P. 12(b)(6)]

Date: March 11, 2008
Time: 1:00 p.m.
Ctrm: 3

Amended Complaint Filed: October 12, 2007

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 11, 2008, at 1:00 p.m., or as soon thereafter as the matter may be heard in the above-entitled court, located at 1301 Clay Street, 3rd Floor, Courtroom 3, Oakland, California, Defendant Knickerbocker Properties, Inc. XXXVIII ("Knickerbocker") will, and does, hereby move pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing the claims of Plaintiffs National Fair Housing Alliance, Inc., Fair Housing of Marin, Inc., Fair Housing Napa Valley, Inc., Metro Fair Housing Services, Inc., and Fair Housing Continuum, Inc. (collectively "Plaintiffs") against Knickerbocker.

This Motion is made on the grounds that Plaintiffs' claim against Knickerbocker fails to state a claim upon which relief can be granted, and Plaintiffs' complaint fails to allege facts sufficient to establish standing to bring this lawsuit.

This Motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities previously filed on December 21, 2007 in support of this Motion, the complete file and records of this action, and such other oral and documentary evidence as may be presented at the hearing on this Motion.

Dated: January 7, 2007

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

By: : /s/ Stephen S. Walters
STEPHEN S. WALTERS
MAKESHA A. PATTERSON
Attorneys for Defendant Knickerbocker
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